



Working to end sexual violence in Maryland

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Testimony Opposing Senate Bill 27
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's eighteen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence in the State of Maryland. We urge the Judicial Proceedings Committee to report unfavorably on Senate Bill 27.

Senate Bill 27 – Offender Centered Restorative Justice

This bill would establish a restorative justice program for offenders post-conviction or post-finding of delinquency. MCASA respectfully opposes this bill, but we do not oppose restorative justice in every case.

MCASA wishes to make it abundantly clear that we believe that there are restorative justice programs that may be appropriate in some sexual misconduct situations, and that there are sexual assault survivors who have found that a survivor-centered restorative justice process was preferable to participating in the criminal justice system. This has been especially true at colleges and universities in cases that involve sexual misconduct short of sexual assault. It is important to note that these restorative justice programs are an alternative that the survivor chooses. We remain committed to honoring the choices of survivors, including ensuring that there are effective, respectful, trauma-informed restorative justice alternatives for survivors who wish to use them.

Senate Bill 27 makes a number of proposals and there are some aspects of the program that make efforts to address crime victim rights, but extensive work is needed to make this truly survivor-centered and trauma-informed. Unfortunately, the problems presented by SB27 are significantly beyond what could be addressed through amendments.

Among the issues that need further development are:

- Providing survivors with control over when and whether they may be contacted

- Preventing offenders from manipulating the system to learn of the survivors whereabouts
- Protecting child survivors
- Ensuring child sexual abuse, child abuse, and neglect reporting requirements protected and that disclosures of abuse will not be subject to confidentiality protections
- Further discussion of how information learned during the restorative justice process can be used, including if information regarding other crimes is revealed
- Qualifications for facilitators including requiring professional licensure as well as training
- Preventing mis-allocation of court-ordered restitution for victims
- Discussions of whether certain power-based crimes should have additional limits or protections during the process (family violence, sex trafficking, etc)
- Limiting access to restorative justice for serial offenders
- Ensuring survivors have appropriate supports, including access to a support person and – critically – access to crime victim rights counsel

On a more pragmatic note, the proposal to house this project in the Governor’s Office of Crime Prevention, Youth & Victim Service (formerly GOCCP) needs further discussion. The agency is experiencing significant challenges and adding more duties when it cannot perform current ones is unwise. Similarly, it is unclear why restitution would provide support for this project, whether this could violate existing court orders, or why restitution for crime victims should be used for a project proponents argue is partially to benefit offenders.

MCASA appreciates that the proponents reached out a couple of weeks ago to begin conversations about this year’s proposal, however, we are unable to resolve these issues prior to this hearing. We note that MCASA had staff available during the interim to and it was only after SB27 was introduced that we learned of the plan to once again pursue this approach.

We are also confident that there are additional issues beyond those raised by MCASA. We are committed to exploring options for restorative justice, but there must be necessary safeguards for victims and survivors that are not present in SB27. There also must be significant input from our sister domestic violence coalition, survivors and advocates focused on sex trafficking, victims of child abuse, program assisting elder abuse survivors, survivors of other types of violent crimes, and the many other communities that this bill would impact.

We reiterate that there is a place for restorative justice work in response to sexual misconduct and look forward to continued work on this topic.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to report unfavorably on
Senate Bill 27**